

The Town of Upper Marlboro

RESOLUTION: 2016-02

SESSION: Regular Town Meeting

DATED: April 12, 2016

A RESOLUTION FOR THE ADOPTION OF RULES OF ORDER AND REGULATIONS FOR PUBLIC MEETINGS OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO.

WHEREAS, The Board of Commissioners for the Town of Upper Marlboro (the "Board") must meet the Open Meetings Requirements (Subtitle 3) of the Open Meetings Act (Title 3) found in the Maryland Annotated Code, General Provisions Article, and the Town Charter; and

WHEREAS, in addition to the entire Charter, the Board is also specifically governed pertaining to meetings by the Town Charter, Sections 82-6 (Meetings of Board), 82-7 (Board to be the Judge of Qualifications of it [its] Members), 82-8 (Quorum), and 82-9 (Procedure of Board); and

WHEREAS, pursuant to said Section 82-9 of the Charter, the Board shall determine its own rules of order of business, and further pursuant to Section 82-13 of the Charter, the President shall preside at all meetings of the Board in accordance with the accepted rules of parliamentary procedure, except that he may vote on any questions before the Board; and

WHEREAS, pursuant to Section 82-6 of the Charter, the residents of the Town shall have a reasonable opportunity to be heard at any regular meeting in regard to any municipal question; and

WHEREAS, pursuant to Section 82-3 of the Charter, all legislative powers of the Town shall be vested in a Board of Commissioners consisting of three Commissioners who shall be elected as thereafter provided and who shall hold office for a term of two years and until the succeeding Board takes office; and

WHEREAS, the Commission further finds that the following rules of order for the conduct of meetings and regulations for public meetings regarding observation of or participation in said meetings should be adopted as stated herein below.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Town of Upper Marlboro hereby approves, adopts and authorizes the following rules of order for the conduct of meetings and regulations for public meetings:

I. Definitions

1. Regular Meeting: A meeting of the Board of Commissioners ordinarily on the second Tuesday of each month for discussion and decisions on regular Town business.
2. Special Meetings: A meeting called for a special purpose or a non-routine time of the Board of Town Commissioners for discussion and decision on specific items. The Commissioners may

call a special meeting upon request pursuant to the Charter.

3. Worksession: A meeting of the Board of Commissioners, usually on the fourth Tuesday of each month, to administratively or informally discuss pending Town business. A worksession is not a regular or special meeting of the Board of Commissioners and final decisions or votes may but typically are not made.
4. Closed Meeting: Any regular or special meeting, or work session ordinarily open to the public, may be closed pursuant to the provisions of the State Open Meetings Act.
5. Hearing: A hearing is a designated portion of a regular or special meeting of the Board of Commissioners mandated by law or order of the Board of Commissioners dedicated to allow public and/or expert testimony regarding a municipal issue or proposed legislation.

II. Rules of Order

A. Except as otherwise required by State or local law or these rules, all proceedings shall be governed by the latest edition of Robert's Rules of Order.

B. The presiding official shall be entitled to make any motions and, without debate, shall decide questions of order. However, all decisions on questions of order are subject to appeal to the Commission. A protest of an alleged breach of rules may be raised by a Commissioner, who may interrupt a speaker without being recognized by announcing "Point of Order."

C. A Commissioner present but disqualified from voting on a question due to a conflict of interest or other legal basis shall be counted for purposes of the quorum.

D. Commissioners may attend a meeting and participate by telephone provided at least one (1) Commissioner is present at the designated meeting place located within the Town.

E. These rules, and other procedural or substantive acts, orders or actions of the Commission shall be by majority vote of the members present at a public meeting, including the suspension of these rules of order, which requires a majority vote.

F. The introduction and reading of any ordinance, charter amendment resolution, or formal resolution shall be by the reading of the title only unless a full reading is requested by a member of the Commission. An ordinance is considered to be introduced when it appears on an agenda or in the minutes of a public meeting of the Commission and its title is read. After the introduction of an ordinance or formal resolution, a member of the Commission may request a public hearing which may be held if approved by a majority of the Commission and set for a time prior to final adoption of the ordinance in accordance with this Section. A public hearing may be held on the same date as the final (i.e., second) reading of a regular ordinance.

G. Prior to closing a meeting, the presiding officer shall prepare a "closing statement" pursuant to the Open Meetings Act. The presiding officer may use the prescribed form and record the appropriate

findings. Should a member of the Commission object to or vote against closing a public meeting, the minutes shall reflect the objection or vote and it shall be reported to the State Open Meetings Compliance Board.

III. Citizen Input

A. At regular and special meetings, residents of the Town may have the opportunity to address the Board on any item on the agenda provided a resident is recognized and allowed to speak by the President. Recognized public comment and/or questions that are germane to the immediate agenda item shall be limited to (1) minute. Furthermore, each regular meeting shall also have an agenda item for citizen input regarding any municipal question, during which time any resident of the Town may address the Board for up to three (3) minutes on matters or items not necessarily placed on the agenda. Individuals not residing in the Town may speak at regular or special meetings under conditions specified by the Board. The President or the Board may uniformly change or adjust the time limitations for all speakers depending on the circumstances or provide additional time for experts or other officials.

B. Except in instances where the presiding officer expressly invites or allocates time for public testimony, questions, comments, or other forms of participation, or when public participation is otherwise authorized by law, no member of the public attending an open meeting session may actively participate in the session. Public comment by members of the public is not typically designed or intended for interactive dialogue between the Commission and the public, unless the presiding officer specifically allows it or the Commission elects to suspend its rules to allow such colloquy.

C. Speakers shall state their name for the record, and their address or approximate location of residence. Ordinarily, for each agenda item including citizen input, speakers shall have one opportunity to speak and may not poll or ask questions of individual commissioners, staff or public officials. Otherwise, the Board shall determine the conduct of the public discussions on any issue and may set reasonable time limits for such.

D. Ordinarily, work sessions are open to public observation only and public participation is at the discretion of the Board. At work sessions, residents and non-residents may be allowed to speak on any municipal issue, but only under conditions specified by the Board.

IV. Disruptive Conduct

A. Disruptive conduct can be difficult to define. The Board must balance the right to free and open expression with concern for order and the right to peacefully attend and hear the meeting's discussions. Disruptive conduct includes, but is not limited to, the following examples and illustrations:

- Conduct that interrupts the orderly course of business or imminently threatens the orderly conduct of any meeting;
- Inflammatory language (impolite or un-civil language is not ordinarily disruptive);
- Speaking out of turn or while others are speaking;
- Impeding others from hearing or seeing any part of the meeting;
- Speaking without being recognized;

- Refusing to obey time limits set by the presiding officer;
- Failure to be germane to the issue being presented or discussed;
- Personal attacks or arguments;
- Grandstanding or using offensive gestures; or
- Use of foul, disrespectful, rude or excessively loud language, vulgarities, or inflammatory language.

B. If a person's language or conduct is deemed by the President or Board to be disruptive of the conduct of the meeting, the President or Board has the discretion to institute the following steps progressively:

- 1) Warn the person that he/she is being disruptive and must cease the conduct.
- 2) If the language or conduct does not promptly cease or it occurs again, warn the person of his or her imminent removal if he/she does not cease the disruptive conduct.
- 3) Order the person to leave the podium, the room, or the building if necessary if step 1) is unsuccessful.
- 4) Request police assistance for the enforcement of the chair's order.
- 5) While videotaping and/or broadcasting of public meetings are allowed, the Town requires that notification be provided to the Board prior to video/audio taping of public meetings.

C. If the violation is slight, the presiding officer may rap the gavel and ask the offending person to follow the rules of order and good conduct. If the presiding officer fails to initiate or take corrective action regarding a member of the public's or a member of the Commission's behavior considered to be a violation of these rules and regulations, another Commissioner may immediately raise the issue as a point of order with the full Board. If the Board finds the point well taken, the presiding officer shall declare the offender to be out of order and request that the offender cease such unacceptable behavior immediately with a reminder of further consequences if the person's behavior continues.

D. The Board may order any person who has persisted in conduct prohibited by these rules or who violates any other regulation concerning the conduct of meetings to be removed from the session and may recess the session and/or request police assistance to restore order. Any Commissioner may move for expulsion of a member of the Commission upon the affirmative vote of a majority of those remaining members, excluding the offending member.

V. Recording, Photographing and Broadcasting

A. A member of the public, including any representative of the news media, may record, photograph or videotape discussions or proceedings of the Commission at an open session by means of a tape recorder or any other recording device or camera if the device does not create an excessive noise that disturbs members of the Commission or other persons attending the meeting.

B. The presiding officer may restrict the movement of a person who is using a recording device, camera, or television equipment if such restriction is necessary to maintain the orderly conduct of the meeting.

C. A recording of an open session made by a member of the public, or any transcript derived from such a recording, may not be deemed a part of the record of any proceeding of the Commission.

AND BE IT FURTHER RESOLVED that this Resolution shall take effect upon its passage.

ATTEST:

THE TOWN OF UPPER MARLBORO


Clerk


James Storey, President

April 12, 2016
Date


Nancy C. Clagett, Commissioner

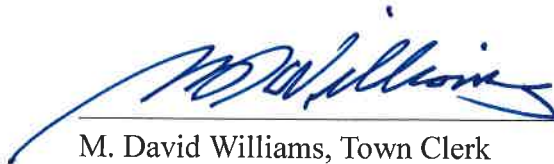

Linda Pennoyer, Commissioner

CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed.

In witness whereof, I have hereunto set my hand and seal of the municipal corporation this 12th day of April, 2016.




M. David Williams, Town Clerk